

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/785,237
Attorney Docket No.: Q63062

REMARKS

Claims 1-11 and 26-32 are all the claims pending in the application. By this Amendment, Applicant amends claim 1 to further clarify the invention. In addition, Applicant amends the specification to further describe figures 2A and 2B. No new matter is being added.

I. Summary of the Office Action

Claims 1-11 and 26-32 presently stand rejected. Specifically, claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, and the Examiner has maintained the rejection of claims 1-11 and 27-32 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,715,393 to Naugle (hereinafter “Naugle”) in view of U.S. Publication No. 2003/0120775 to York (hereinafter “York”).

II. Statement of Substance of the Interview and Claim Rejections

Claim 5 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully notes that independent claim 8 recites analogous features to the features set forth in claim 5.

Applicant thanks the Examiner for the courteous telephonic interview on October 18, 2006. The Statement of Substance of the Interview is as follows:

During the interview, independent claim 5 was discussed. The Examiner further clarified her position with respect to the rejection under 35 U.S.C. § 112, first paragraph. That is, the Examiner indicated that the automation system comprising equipment of the manufacturing or production process is supported by the specification *e.g.*, Figs. 2A and 2B. The Examiner indicated that the specification should be amended to clearly set forth antecedent basis for the features set forth in claim 5. The Examiner indicated that amending the specification to set forth

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the antecedent basis for claim 5 will overcome the rejection of claim 5 under 35 U.S.C. § 112, first paragraph. Accordingly, Applicant has amended the specification to clearly describe the exemplary embodiment of claim 5 shown in Figs. 2A and 2B. In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejection of claim 5 under 35 U.S.C. § 112, first paragraph.

With respect to the prior art rejection, Applicant's Representative maintained that the combined disclosure of Naugle and York fail to disclose the control unit as set forth in claim 5.

That is, Naugle only discloses the monitor computer (alleged control unit) monitoring the status of the target computer (Fig. 2; col. 1, line 60 to col. 2, line 4). Col. 1, lines 20 to 22 of Naugle (cited by the Examiner in response to Applicant's argument on pages 8-9 of the Office Action) only disclose that computer systems in general may control a variety of tasks. There is no disclosure or suggestion that the monitor computer (alleged control unit) controls an automation system comprising equipment of a production or a manufacturing process. In Naugle, just like in the conventional techniques, a separate monitoring system is provided (the monitor and target computers) for monitoring the network. Furthermore, there is no disclosure or suggestion of the automation system comprising equipment of a production or a manufacturing process.

York fails to cure the deficient disclosure of Naugle. The management console 100 of York only monitors the network and its devices based on the rules set by the user. That is, the management console does not control the operations of the network. In other words, York, similar to Naugle, only discloses a separate monitoring system. Furthermore, York fails to

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U.S. Appln. No. 09/785,237
Attorney Docket No.: Q63062

disclose or suggest an automation system comprising equipment of a production or a manufacturing process.

For at least these exemplary reasons, it is respectfully submitted that claim 5 is patentable over the combined disclosure of Naugle and York.

The Examiner agreed that the combined disclosure of Naugle and York fails to disclose or suggest a control unit that would monitor and control the automation system having equipment of a production or a manufacturing process. Accordingly, the Examiner suggested that claim 1 be amended to further include the above noted unique features currently recited in claims 5 and 8. Although Applicant does not acquiesce to the Examiner's current rejection of the claims, to expedite prosecution of the above-identified application, Applicant amends claim 1 as suggested by the Examiner and respectfully requests the Examiner to withdraw this rejection of claims 1, 5, and 8 and their dependent claims 2-4, 6, 7, 9-11, and 27-32.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the**

Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

Attorney Docket No.: Q63062